

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FRANCIS DONALD COTA,

Case No. 1:05-CV-477

Petitioner,

Hon. Richard Alan Enslen

v.

LINDA M. METRISH,

Respondent.

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**ORDER**

This matter is before the Court on Petitioner's Motions to Strike Respondent's Answer and Motion for Summary Judgment. On July 13, 2005, Petitioner submitted the present Petition for Writ of Habeas Corpus. On September 22, 2005, Petitioner submitted an Amended Petition for Writ of Habeas Corpus. On January 17, 2006, Respondent timely submitted her Answer. Petitioner asserts that Respondent's Answer does not respond to the claims asserted in his Amended Petition. Accordingly, Petitioner moves for summary judgment asserting that he is entitled to the issuance of a petition for writ of habeas corpus. First, Respondent's Answer is responsive to the claims asserted in Petitioner's Amended Petition. Furthermore, even if such were not the case, Petitioner is not entitled to the relief sought. Accordingly,.

**IT IS HEREBY ORDERED** that Petitioner's Motion to Strike Respondent's Answer (Dkt. No. 21) and Petitioner's Motion for Summary Judgment (Dkt. No. 22) are **DENIED**.

DATED in Kalamazoo, MI:  
February 21, 2006

/s/ Richard Alan Enslen  
RICHARD ALAN ENSLEN  
SENIOR UNITED STATES DISTRICT JUDGE